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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIAMICHAEL J. BUSHMAN,
Petitioner

v.

JAKE MENDEZ, Warden,
Respondent:
:
:
:
:
:Civil No. 1:CV-00-1230
(Kane, J.)
(Smyser, M.J.)FILED
WILLIAMSPORT
AUG - 3 2000

PER

DEPUTY CLERK

MOTION FOR ENLARGEMENT OF TIME

Pursuant to Fed. R. Civ. P. 6(b), respondent requests the Court to grant him a twenty (20) day enlargement of time in which to file his response to the Court's show cause Order dated July 17, 2000. Respondent states the following in support thereof:

1. Petitioner is an inmate incarcerated at the Allenwood United States Penitentiary in White Deer, Pennsylvania.

2. On July 10, 2000, petitioner filed a 28 U.S.C. §2241 habeas corpus petition claiming the Parole Commission (1) failed to conduct a final parole hearing within the dictates of 18 U.S.C. §4208; (2) applied an incorrect offense severity rating; and (3) erred in its decision to "continue [him] to a presumptive parole after service of 159 months to the non-parolable 10 year term." (Petition at 1-3.)

3. By Order dated July 17, 2000, Warden Jake Mendez was ordered to show cause on or before August 7, 2000, why petitioner should not be granted habeas corpus relief.

4. In order to appropriately respond to petitioner's allegations, the United States Attorney's Office requested litigative assistance from agency counsel at the United States Parole Commission.

5. On July 31, 2000, the undersigned was informed that agency counsel will be out of the Office from August 2, 2000 until August 21, 2000, and, due to other workload considerations, would not be able to prepare a timely litigation report in this case.

6. Without agency counsel's assistance in providing the facts of the case and supporting documentation, undersigned counsel is unable to prepare an appropriate response. Preliminarily, we note that petitioner raises a number of issues and has submitted at least 300 pages of exhibits in support of his habeas corpus petition. Without agency assistance, the United States Attorney's Office lacks the resources to review and analyze petitioner's claims and to prepare a full and proper response.

7. Accordingly, on behalf of respondent, the United States Attorney's Office requests a twenty-day enlargement of time until August 28, 2000, to respond to the show cause Order.

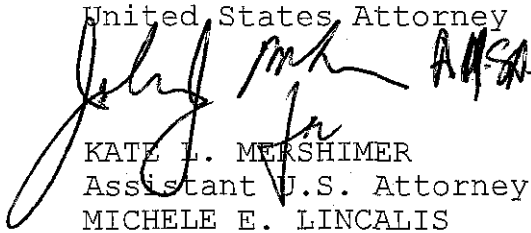
8. A twenty-day enlargement of time will not prejudice petitioner as petitioner was released on parole to a state detainer on July 8, 2000. Thus, even if he were to prevail in this action,

petitioner would not be entitled to immediate release as the Parole Commission is not the source of his continued confinement.

WHEREFORE, on behalf of respondent, the United States Attorney's Office requests a twenty-day enlargement of time until August 28, 2000, in which to adequately respond to the allegations of the petition. Counsel certifies that she has not sought the concurrence of petitioner because petitioner is a prisoner proceeding pro se. M.D. Pa. Local Rule 7.1.

Respectfully submitted,

DAVID M. BARASCH
United States Attorney



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Dated: August 3, 2000

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL J. BUSHMAN, :
Petitioner :
 :
v. : Civil No. 1:CV-00-1230
 : (Kane, J.)
JAKE MENDEZ, Warden, : (Smyser, M.J.)
Respondent :

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.


That on August 3, 2000, she served a copy of

MOTION FOR ENLARGEMENT OF TIME

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Michael J. Bushman
Reg. No. 22758-083
U.S. Penitentiary
P.O. Box 3000
White Deer, PA 17887


MICHELE E. LINCALIS
Paralegal Specialist